



KIRBY McINERNEY LLP

250 Park Avenue, Suite 820, New York, NY 10177

Tel. 212.371.6600 Fax. 212.751.2540

WWW.KMLLP.COM

September 28, 2022

VIA ECF

Hon. Lewis J. Liman, District Judge
 Daniel Patrick Moynihan U.S. Courthouse
 500 Pearl Street
 Courtroom 15C
 New York, NY 10007-1312

Re: *State of New York ex rel. American Advisory Services LLC v. Egon Zehnder International, Inc. and Egon Zehnder International AG*, No. 1:21-cv-06883 (S.D.N.Y.)

Dear Judge Liman:

We represent Relator in this action. We write to provide the Court with the status of the fee-shifting issue that remains before the Court.

In the Court's August 31, 2022 Order, the Court asked the State and Relator to notify the Court by today of whether an agreement had been reached between them as to the Relator's share herein. At the oral argument earlier that day, it appeared to Relator's counsel that the Court wished to learn the status of the attorneys' fees and costs issue on the same schedule.

Relator has made a proposal to Defendants' counsel for its attorneys' fees and costs. Defendants have taken the position that the Relator's share issue must be resolved before they will respond to Relator's proposal. (Attached is copy of the e-mail exchange with these communications.) Relator contends that there is no relationship between the issues and that there is no cause for delay in determining whether the fee issue can be resolved short of motion practice. Relator respectfully requests that the Court order that the parties report to the Court by two weeks from today whether the attorneys' fees and costs issue has been resolved and, if not, for the parties to propose a briefing schedule to the Court.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Randall M. Fox'.

Randall M. Fox

From: Andrew Hruska <AHruska@KSLAW.com>
Sent: Wednesday, September 28, 2022 1:06:07 PM
To: David Kovel <dkovel@kmllp.com>
Cc: Kyle Sheahen <KSheahen@KSLAW.com>
Subject: Re: EZI

[ATTENTION: This message is from an external source.]

David,

We do not think that the issue is ripe yet. We can discuss after the resolution of the relator's share issue.

Regards,

Andrew

Andrew C. Hruska
Partner - Special Matters & Government Investigations

T: [+1 212 556 2278](tel:+12125562278) | E: ahruska@kslaw.com | [Bio](#) | [vCard](#)

King & Spalding LLP
1185 Avenue of the Americas
34th Floor
New York, NY 10036

From: David Kovel <dkovel@kmllp.com>
Sent: Wednesday, September 28, 2022 12:33 PM
To: Andrew Hruska <AHruska@KSLAW.com>
Subject: Re: EZI

CAUTION: MAIL FROM OUTSIDE THE FIRM

Hi Andrew,
Will you have any response for me today? Please advise.
Best,
David



David Kovel, *Managing Partner*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. [212.371.6600](tel:2123716600) · f. [212.751.2540](tel:2127512540)
e. DKovel@kmllp.com · www.kmllp.com

CONFIDENTIALITY NOTICE: This e-mail message and any associated attachments are private communication and may contain confidential, legally privileged information me
mail in error, please notify the sender immediately and do not disclose its contents or store/copy the information in any medium.

From: David Kovel <dkovel@kmllp.com>
Sent: Monday, September 26, 2022 5:07:55 PM
To: ahruska@kslaw.com <ahruska@kslaw.com>
Subject: Re: EZI

Hi Andrew,

Thanks for the call earlier. I'm addressing two issues we discussed by phone.

To give you a sense of our firm's hours, they were 2,004 as of early May and have grown since then. As far as the upcoming communication with the court, I will paste Randy's take below. I'm happy to discuss further as necessary.

Best regards,

David

QUOTE:

In its 8/31 Order, the Court stated " The State and Relator are ordered to report to the Court no later than September 28, 2022 whether they have reached an agreement on the Relator's share and, if not, to propose a briefing schedule to address that issue." The Order did not refer to the open issue of attorneys' fees and costs, but during the oral argument earlier on 8/31, the Court had asked the parties how long it would take to address attorneys' fees and costs and the parties agreed it should take only a couple of weeks and that they would act with dispatch. Based on the oral argument, it appears that the Court expects to hear the status of the attorneys' fees and costs issue at the same time as it expects to hear about the relator's share issue, and it is our current intention to provide a report to the Court.

From: David Kovel
Sent: Monday, September 26, 2022 10:30:52 AM
To: ahruska@kslaw.com <ahruska@kslaw.com>
Subject: EZI

Hi Andrew,

I left you a voicemail just now regarding Egon Zehnder. Are there some times today that you'd be able to talk? I can be reached (intermittently) at 718-564-9335.

Best,

David Kovel

King & Spalding Confidentiality Notice:

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message. [Click here to view our Privacy Notice.](#)